

Translation

PATENT COOPERATION TREATY

PCT/FR2003/003376



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

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| Applicant's or agent's file reference<br>USI 02/047  | <b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416) |   |
| International application No.<br>PCT/FR2003/003376   | International filing date (day/month/year)<br>14 novembre 2003 (14.11.2003)   | Priority date (day/month/year)<br>28 novembre 2002 (28.11.2002) |
| International Patent Classification (IPC) or national classification and IPC<br>B32B 15/01, B23K 1/00, B32B 1/04 |   |   |
| Applicant<br>USINOR  |   |   |

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|---|
| <p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of _____ sheets.</p>   |
| <p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the report</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p> |

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|--|---|
| Date of submission of the demand<br>12 mai 2004 (12.05.2004) | Date of completion of this report<br>29 March 2005 (29.03.2005) |
| Name and mailing address of the IPEA/EP                      | Authorized officer  |
| Facsimile No.  | Telephone No.   |

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International Application No.

PCT/FR2003/003376

## I. Basis of the report

### 1. With regard to the elements of the international application:\*

- ☒ the international application as originally filed
- ☒ the description:  
 pages \_\_\_\_\_ 1-12 \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☒ the claims:  
 pages \_\_\_\_\_ 1-7, 9-23 \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, as amended (together with any statement under Article 19  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_ 8 \_\_\_\_\_, filed with the letter of 19 November 2004 (19.11.2004)
- ☒ the drawings:  
 pages \_\_\_\_\_ 1/1 \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☐ the sequence listing part of the description:  
 pages \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

### 2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item. These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

### 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

### 4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/fig \_\_\_\_\_

### 5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. Statement**

|                               |        |            |     |
|-------------------------------|--------|------------|-----|
| Novelty (N)                   | Claims |            | YES |
|                               | Claims | 1-8, 21-23 | NO  |
| Inventive step (IS)           | Claims | 1-23       | YES |
|                               | Claims |            | NO  |
| Industrial applicability (IA) | Claims | 1-23       | YES |
|                               | Claims |            | NO  |

**2. Citations and explanations**

1. The amendment submitted with the letter of 25 November 2004 does not dispel the objection relating to novelty, as raised in the previous communication. Therefore, said objection is upheld.

2. Reference is made to the following documents:

D1: EP-A-0 895 852 (USINOR) 10 February 1999 (1999-02-10)

D2: EP-A-0 888 881 (LORRAINE LAMINAGE) 7 January 1999 (1999-01-07)

3. The present application fails to comply with the requirements of PCT Article 33(1) since the subject matter of claim 1 does not meet the requirement of novelty defined in PCT Article 33(2).

Document D1 describes a metal sheet with a multilayer structure or so-called sandwich metal sheet consisting of two laminated metal skins mutually bonded by a core made of stainless steel wool (claim 1) occupying 30 to 60 % of the space between the two skins (page 2, column 2, lines 9-10), wherein the two skins are joined to the core by

means of an adhesive selected from a phenolic resin, an epoxy, a polyethylene or polypropylene comprising maleic anhydride (claims 7 and 8). The melting point of the metal bonding agent (resin, etc.) is lower than the melting point of the metal core or that of the metal skins.

Similarly, document D2 describes a structural panel comprising at least one metal core and at least two lining skins also made of metal, wherein the skins cover the core in such a way that a sandwich-type structure is formed (claim 15), the linings and the core are made of steel (page 4, column 6, lines 5-15), and the metal bonding agent is zinc (page 4, column 6, lines 33-40).

It follows that the subject matter of claim 1 is not novel.

The subject matter of claim 2 is described in Document D1 and thus lacks novelty.

The subject matter of claim 3 is described in Document D1 and thus lacks novelty.

4. The amendment submitted with the letter of 25 November 2004 does not dispel the objection relating to novelty, as raised in the previous communication. Therefore, said objection is upheld.

The subject matter of claim 4 is described in document D1 and thus lacks novelty.

The subject matter of claim 5 is described in document D1 and thus lacks novelty.

The subject matter of claim 6 is described in document D1 and thus lacks novelty.

The subject matter of claim 7 is described in document D1 and/or D2 and thus lacks novelty.

5. Claims 21 and 23 are product-by-process claims which, in accordance with Chapter V, page 42, p. 5.26 of the PCT Guidelines, are not acceptable. Product claims should be worded in terms of the products *per se*, rather than the methods for preparing same.

In the light of this objection, the subject matter of claims 21 and 23 is described in document D1 and/or D2 and thus lacks novelty.

The subject matter of claim 22 is not novel.

6. The feature in claim 22 ( $T_e$ ) is not mentioned in the description. It follows that claim 22 is not supported by the description (PCT Article 6).